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15 AIRWIRE TECHNOLOGIES

12 UNITED STATES DISTRICT COURT  
13  
14 NORTHERN DISTRICT OF CALIFORNIA

15 \* \* \* \* \*

16 ANUBHAV SINGH OBEROI,

17 Plaintiff,

18 v.

19 AIRWIRE TECHNOLOGIES, JON  
20 BENGTON, DEBASHIS BAGCHI,  
21 and DOES 1 through 20, inclusive,

22 Defendants.

Case No. 5:20-cv-00753-SVK

STIPULATION TO AMEND  
DEFENDANT AIRWIRE  
TECHNOLOGIES' ANSWER

24 Defendant, AirWire Technologies, by and through its counsel, Pete Cladianos III, Esq.,  
25 and Charles R. Zeh, Esq., The Law Offices of Charles R. Zeh, Esq., and the plaintiff, Anubhav  
26 Singh Oberoi, by and through his counsel, Chaya M. Mandelbaum Esq., Rudy, Exelrod, Zieff &  
27

1 Lowe, LLP, do hereby stipulate and agree as follows:

2 1. Plaintiff filed his complaint on January 21, 2020, against AirWire Technologies,  
3 Debashis Bagchi and Jon Bengtson.

4 2. On March 31, 2020, Defendants, AirWire Technologies, Debashis Bagchi and Jon  
5 Bengtson filed their Answer containing 12 Affirmative Defenses, one of which generally alleged  
6 that the Plaintiff was exempt under the FLSA and the California Labor Code.  
7

8 3. On April 28, 2021, Defendant AirWire Technologies filed a notice stating that it  
9 had filed for Bankruptcy protection in the District of Nevada.  
10

11 4. On July 19, 2021, Defendants, Debashis Bagchi and Jon Bengtson, were  
12 dismissed from this action with prejudice by stipulation of the parties.

13 5. On August 4, 2021, the Court administratively closed this case, pending the  
14 resolution of Defendant, AirWire Technologies, bankruptcy proceedings.

15 6. On February 3, 2022, the Bankruptcy Court for the District of Nevada entered an  
16 order dismissing Defendant's bankruptcy case without affecting the status of this proceeding.  
17

18 7. On March 17, 2022, the Parties filed a Joint Status Report indicating that they  
19 believed a negotiated settlement was possible.

20 8. On May 12, 2022, Plaintiff notified the Court that the Parties were not able to  
21 reach settlement and requested that the Court administratively reopen the case. Later on May 12,  
22 2022, this Court administratively reopened the file and ordered the parties to file a joint case  
23 management statement by June 26, 2022 and appear before the Court on July 7, 2022 at 10:00  
24 a.m. for a further Case Management Conference.  
25

26 9. On June 24, 2022, the Court entered its Case Management Order vacating the  
27

1 Case Management Conference. This Order set the deadline for amending pleadings at  
2 August 23, 2022.

3 10. The Parties have stipulated and agreed to allow Defendant, AirWire  
4 Technologies, to amend its Answer in order to remove Affirmative Defenses which generally  
5 alleged that the Plaintiff was exempt under the FLSA and the California Labor Code and replace  
6 it with one Affirmative Defense which specifically alleges that Plaintiff was an exempt  
7 administrative employee of AirWire, pursuant to 29 CFR 541.200. And another affirmative  
8 defense which alleges that the Plaintiff was an exempt outside sales person of AirWire, pursuant  
9 to 29 CFR 541.500.  
10

11  
12 11. The Amended Answer refers to the Defendant, AirWire Technologies, in the  
13 singular and makes other changes to nouns and pronouns as required for the defendant entity  
14 because Defendants, Debashis Bagchi and Jon Bengtson, are dismissed from this action  
15

16 12. Attached as Exhibit 1 is the Amended Answer.

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**ECF ATTESTATION**

Pursuant to Civil L.R. 5-1(i)(3), the filer attests that concurrence in the filing of this document has been obtained from each of the other signatories thereto.

Dated: August 23<sup>rd</sup>, 2022

Dated: August 23<sup>rd</sup>, 2022

By: /s/Chaya M. Mandelbaum, Esq.

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Dated: August 23<sup>rd</sup>, 2022

By: /s/Charles R. Zeh, Esq.

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Debashis Bagchi and Jon Bengtson

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1.	Amended Answer	18